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**Private and confidential**

Phil Gorey  
Executive Director Environment  
Department of Mines and Petroleum  
Mineral House  
100 Plain Street  
EAST PERTH WA 6004

27 September 2013

Dear Phil,

**CONSULTATION PAPER – PROPOSED AMENDMENTS TO THE MINING LEGISLATION**

Further to the consultation paper on the Proposed Amendments to the Mining Legislation distributed by the Department of Mines and Petroleum (**DMP**) 27 August 2013, Rio Tinto's Iron Ore business WA (the **Company**) would like to provide the following feedback on the proposed amendments.

**Section 3.1**

The Company would like clarity regarding the relinquishment of tenure and future liabilities after relinquishment is granted by DMP.

**Section 3.2**

The Company would like to better understand the guideline/process around the issuing of the infringement notice. Some questions are:

- Will the process be similar to that of the Water Services Act 2012, whereby rectification notices are issued which allows the operator to rectify the issue prior to a final infringement notice being issued?
- Who will be responsible for making the decision to issue the infringement notice – or will it be an automatic notice?
- What is the appeals process once an infringement notice has been issued?

**Section 3.3**

No comments.

**Section 3.4**

The Company is generally supportive of this proposed amendment and is likely to enhance timeliness of approvals. How will the department ensure consistency in decisions if more people are delegated authority to approve Programme of Works, Mining Proposals and Closure Plans? If a consistent process is not followed, it could potentially result in varied decisions from additional authorised persons and subsequently lead to uncertainty for industry in relation to approval process and timeframes.

The Company would also like clarity on the appeals process and our ability to request a review of decisions.

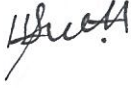
**Section 3.5**

The Company would like clarity on the guideline/process around the type of information that would be made public and how it would be made public. Will all the report information be made public or would there be a chance for operators to keep some commercially sensitive information confidential? Will the Director General delegate his/her powers to determine the information that is made public?

The Company would like to ensure that DMP implements a clear process by which the Director General determines information that can be made public and that industry has input into determining the type of information that can be made public.

Thank you for considering our comments.

Yours sincerely



Hermione Scott

**Manager – Government and Environmental Approvals**